

U.S. Patent Application No. 09/929,780
Reply to Office Action dated September 9, 2005

PATENT
450100-03413

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending in this application. Claims 1 and 9, which are independent, are hereby amended. No new matter is added by these amendments. Support for the amended recitations in the claims is found throughout the Specification and Drawings, specifically at pages 11-12 and Figures 2-3. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Applicants note that the 35 U.S.C. §102(b) rejection is not valid. To expedite prosecution, it will be viewed as a proper 35 U.S.C. §102(e) rejection.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-4, 8-12 and 16 were rejected allegedly under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,130,726 to Darbee et al. (hereinafter, merely "Darbee").

Claim 1 recites, *inter alia*:

"A broadcast program recording and playing apparatus...

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transmission means for transmitting the program information stored in the database to an electronic apparatus using wireless communication;

control means for controlling, under the control of said electronic apparatus, an apparatus having functions of recording and playing broadcast programs; and

switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication system." (emphasis added)

As understood by Applicants, Darbee relates to a remote control unit having a visual display for depicting a program guide, advertising and/or other content. Graphic program scheduling and advertising information is provided on a remote control display. User viewing habits are monitored and analyzed and, thereafter, programming and advertising content are tailored to the interests of the user or device. Graphic display of the remote control unit is utilized to deliver both program scheduling and advertising data to a user without causing an interruption in any programming that is currently being viewed by the user.

Applicants submit that Darbee fails to teach or suggest the above-identified features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion of a broadcast program recording and playing apparatus comprising switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication system, as recited in claim 1.

Therefore, Applicants submits that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claim 9 is also believed to be patentable.

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Therefore, Applicants submits that independent claims 1 and 9 are patentable.

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

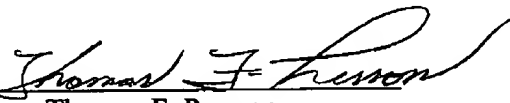
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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